IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9874 of 2003

Between:
P.Thamas Antony Jaydev, son of Thamasaiah
Ravipadu Village, Narasaraopet Mandal Guntur Dist

.....
PETITIONER

AND

1 The District Collector
Guntur District.
2 The Environment Engineer,
A.P Pollution Control Board, Regional Office, Guntur -7
3 The Revenue Divisional Officer,
Narasaraopet, Guntur District.
4 The Sarpach, Ravipadu Gram Panchayat.
Ravipadu Village, Narasaraopet Mandal, Guntur Dist.
5 District Public Health Officer, Guntur 4, Guntur Dist.
6 P.Sundara Raj son of Anthaiah
Ravipadu Village, Narasaraopet Mandal, Guntur Dist.
7 Kandimalla Anjaneylu son of Veeraiah
Ravipadu Village, Narasaraopet Mandal, Guntur Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 1 to 5 in not taking any action in spite of the same brought to the notice of the respondents 1 to 5 about the establishment of burning brick unit by the respondent 6 and 7 as illegal, unconstitutional, arbitrary and against the provisions of the AP (Andhra Area) Public Health Act 1939 and consequently direct the respondents 1 to 5 to take action on the representation submitted by the petitioner on 27/03/2003 and 07/04/2003 and direct them to prevent the respondents 6 and 7 from proceeding further for establishing brick unit by open type brick kiln in the middle of the residential locality of Ravipadu Village, Narasaraopet Mandal ,

Guntur Dist,

For the Petitioner:MR.T.RAJENDRA PRASAD, Advocate (Not Present)

For the Respondent No.2: Mr.S.V.Bhatt, Advocate

For the Respondents 1, 3 to 7: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

None for the petitioner.

Petitioner complained of the inaction on the part of respondents 1, 2 and 5 in taking action despite complaints about the establishment of burning brick unit by respondents 6 and 7 as illegal and against the provisions of the Andhra Pradesh (Andhra Area) Public Health Act, 1939 and directing the respondent-Pollution Control Board to take steps on the petitioner's complaint.

Affidavit in reply has been filed by Raavi Lakshmi Narayana on behalf of the respondent No.2-Pollution Control Board wherein it is stated that inspection was carried out and report was submitted to the first respondent viz., the District Collector requesting him to issue necessary direction to the Village Secretary, Ravipadu village to stop the brick kiln activity undertaken by the 7th respondent in the midst of the residential area. It is further stated in the reply affidavit that after the respondent-Board has informed the District Collector pointing out the unlawful activity of the respondent No.7, on further inspection made on 3rd July, 2003, it was found that no such activity was then in progress.

Since nobody is appearing on behalf of the petitioner, it appears that the petition has been rendered infructuous because of the action taken by the respondent-Board pursuant to the interim order.

The writ petition is accordingly closed.

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DEVINDER GUPTA,

CJ

7-7-2004

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G.ROHINI, J

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To

1. The District Collector
   Guntur District.
2 The Environment Engineer,
   A.P Pollution Control Board, Regional Office, Guntur -7
3 The Revenue Divisional Officer,
   Narasaraopet, Guntur District.
4 The Sarpach, Ravipadu Gram Panchayat.
   Ravipadu Village, Narasaraopet Mandal, Guntur Dist.
5 District Public Health Officer, Guntur 4, Guntur Dist.
6. 2 CD copies.